

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infraction Act of 1985 (Act), effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04 and 2-1801.05), and Mayor's Order 86-38, dated March 4, 1986, hereby gives notice of the intent to adopt, in not less than thirty (30) days after the date of publication of this notice in the D.C. Register, amendments to Title 16, Chapter 33 of the D.C. Municipal Regulations (DCMR) to add a new section 3313 to set the fine amounts for infractions relating to vending business licenses.

The Director will submit the rules to the Council of the District of Columbia for a sixty (60) day period of review pursuant to section 104(a)(1) of the Act, and will not take final rulemaking action until completion of the 60-day review period or Council approval of the rules by resolution before the end of the review period.

Title 16, Chapter 33 of the DCMR is amended by adding new section 3313 (Vending Business License Infractions) to read as follows:

3313 VENDING BUSINESS LICENSE INFRACTIONS

3313.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 24 DCMR § 502.1 (failure to have and maintain general license requirements);
- (b) 24 DCMR §§ 503.3(f), (g), (h), and (i) (selling alcohol, drugs, controlled substances, or drug paraphernalia);
- (c) 24 DCMR § 507.1 (suspension or revocation of license for the enumerated violations);
- (d) 24 DCMR § 512.1 (suspension or revocation of vending site permit for the enumerated violations);
- (e) 24 DCMR § 526.1 (vending in an unauthorized roadway vending location);
- (f) 24 DCMR § 531.1 (vending from an unauthorized public market);
- (g) 24 DCMR § 531.2 (managing a public market without a Class C vending business license);
- (h) 24 DCMR § 540.2 (vending after the expiration of a vending business license, vending site permit, or any other required license, permit, certificate or authorization);
- (i) 24 DCMR § 551.3 (alteration, mutilation, forgery, or illegal display of any license, permit, or certificate of authority); and
- (j) 24 DCMR § 556.7 (failure of Class A licensee to be in the vehicle during the operation of a mobile roadway vending vehicle).

3313.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 24 DCMR §§ 503.3 (a), (j), (k), and (l) (selling animals, offensive merchandise, or counterfeit merchandise);
- (b) 24 DCMR § 508.4 (vending at unauthorized vending location);
- (c) 24 DCMR § 513.1 (vending without a health inspection certificate issued by the Department of Health);
- (d) 24 DCMR § 517.1 (vending without a Department of Health-issued food protection manager certificate or food protection manager identification card);
- (e) 24 DCMR § 518.1 (vending without a propane or open flame permit issued by the Fire and Emergency Medical Services Department);
- (f) 24 DCMR § 519.1 (vending without a hood suppression system approved by the Fire and Emergency Medical Services Department);
- (g) 24 DCMR § 523.1 (vending at unauthorized vending locations in the Old Georgetown vending zone);
- (h) 24 DCMR § 529.5 (transfer of sidewalk vending lottery registration or sidewalk vending location assignment);
- (i) 24 DCMR § 530.9 (transfer of roadway vending lottery registration or roadway vending location assignment);
- (j) 24 DCMR § 542.1 (vending in unassigned vending location);
- (k) 24 DCMR § 545.1 (vending without fire extinguisher);
- (l) 24 DCMR § 545.2 (failure to adhere to propane operating standards);
- (m) 24 DCMR § 551.6 (failure to provide license, permits, or certificates to authorized District government representative);
- (n) 24 DCMR §§ 551.4 and 551.5 (vending license, permits, or certificates placed on an unauthorized vending vehicle, cart, or stand);
- (o) 24 DCMR § 552.1 (failure of vending vehicle or cart to be registered and displaying current tags);
- (p) 24 DCMR § 561.2 (failure of vendor vending at licensed special event to comply with business registration and license requirements);
- (q) 24 DCMR § 563 (unauthorized soliciting); and
- (r) 24 DCMR § 564 (vending depot operating requirements).

3313.3

Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 24 DCMR § 541.1 (vending beyond the authorized hours of operation);
- (b) 24 DCMR § 546.1 (vending while creating a noise disturbance); and
- (c) 24 DCMR §§ 553.1, 553.3, 553.4, and 553.7 (failure to adhere to vendor employee operating requirements).

3313.4

Violation of any of the following provisions shall be a Class 5 infraction:

- (a) 24 DCMR § 503.2 (vending items not authorized under the vending business license class);
- (b) 24 DCMR § 521.1(d) (vending at unauthorized locations in the central vending zone);
- (c) 24 DCMR § 521.1(e) (vending at unauthorized locations outside the central vending zone);
- (d) 24 DCMR § 521.1(f) (vending at unauthorized vending locations);

- (e) 24 DCMR § 534 (failure to adhere to vending cart design standards);
- (f) 24 DCMR § 535 (failure to adhere to vending vehicle design standards);
- (g) 24 DCMR § 536 (failure to adhere to vending stand design standards);
- (h) 24 DCMR § 537 (failure to adhere to food vending cart or vehicle design standards);
- (i) 24 DCMR § 538 (failure to adhere to advertising design standards);
- (j) 24 DCMR § 540.3 (vending while violating traffic or parking restrictions);
- (k) 24 DCMR §§ 542.2, 542.3, and 542.4 (placement of vending vehicles, carts, or stands);
- (l) 24 DCMR § 543 (placement of equipment and related items);
- (m) 24 DCMR § 551.1 (failure to conspicuously display all vending-related licenses, permits, and other certificates);
- (n) 24 DCMR § 554.1 (vending while failing to maintain vending location free from litter);
- (o) 24 DCMR §§ 556.1, 556.2, 556.5, 556.6 and 556.8 (failure to adhere to mobile roadway vehicle operating standards);
- (p) 24 DCMR § 559.1 (failure to provide updated information);
- (q) 24 DCMR § 562 (failure to adhere to street photography operating standards); and
- (r) Any provision of the vending business license regulations promulgated pursuant to the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619), which is not cited elsewhere in this section.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or via e-mail at helder.gil@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at <http://dcra.dc.gov> by going to the “DCRA News” link and then clicking on the “Rulemaking” tab.